

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION**

BRITTANY WILLIAMS,

Plaintiff,

v.

Case No: 8:21-cv-51-CEH-SPF

HOME ADVANTAGE HUMANA,

Defendant.

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**ORDER**

This matter is before the Court upon periodic review. Because Plaintiff has failed to timely file an Amended Complaint, despite being given the opportunity to do so, this action is due to be dismissed without prejudice.

**DISCUSSION**

A district court may dismiss a plaintiff's claims pursuant to Rule 41(b) or the court's inherent authority to manage its docket. *Betty K Agencies, Ltd. v. M/V MONADA*, 432 F.3d 1333, 1337 (11th Cir. 2005). Under Rule 41(b), "[i]f the plaintiff fails to prosecute or to comply with these rules or a court order, a defendant may move to dismiss this action or any claim against it." Fed. R. Civ. P. 41(b). The Eleventh Circuit has recognized that a district court may dismiss an action *sua sponte* for the plaintiff's failure to prosecute her case or obey a court order under Rule 41(b). *Betty K Agencies, Ltd.*, 432 F.3d at 1337.

On April 29, 2021, the Court granted Defendant's motion to dismiss and granted Plaintiff leave to file an Amended Complaint. Doc. 19. The Court's order dismissed Plaintiff's discrimination claims with prejudice as untimely but permitted Plaintiff the opportunity to file an amended complaint to try to state a claim for breach of contract, which her initial complaint vaguely referenced. *Id.* at 10. The Court directed Plaintiff to file her Amended Complaint within 21 days of the date of the order. Thus, Plaintiff's Amended Complaint was due on or before May 20, 2021. The Court cautioned that "[f]ailure to file an Amended Complaint within that time frame will result in this action being dismissed without further notice." *Id.* To date, Plaintiff has not filed an Amended Complaint, nor sought an extension of time to do so.

On May 3, 2021, Plaintiff filed the same original complaint. Doc. 20. On May 10, 2021, Plaintiff filed a motion asking the Court to rule in her favor. Doc. 21. She attaches as an exhibit the same complaint the Court already dismissed. Doc. 21-3. On May 10, 2021, Plaintiff moved for summary judgment in her favor. Doc. 22. On May 19, 2021, Plaintiff filed a motion to grant the case in her favor. Doc. 24. And she again attaches the same original complaint. Doc. 24-1. Thus, despite being ordered to file an Amended Complaint if she intends to continue prosecuting her claims, Plaintiff has ignored the Court's order and re-filed (multiple times) the same complaint that has been dismissed. Even construing *pro se* Plaintiff's filings liberally, Plaintiff did not file an Amended Complaint by May 20, 2021, as ordered by the Court. For failing to comply with the Court's order by filing an Amended Complaint, Plaintiff's action is subject to dismissal. Fed. R. Civ. P. 41(b).

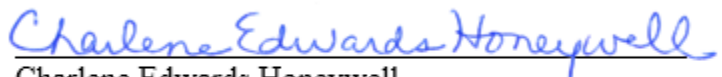
Accordingly, it is hereby

**ORDERED:**

1. This action is **DISMISSED, without prejudice.**
2. The Clerk of Court is directed to terminate all motions and deadlines and

**CLOSE** this case.

**DONE** and **ORDERED** in Tampa, Florida on June 1, 2021.

  
Charlene Edwards Honeywell  
United States District Judge

Copies furnished to:  
Counsel of Record  
Unrepresented Parties